

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MICHAEL EVANS,</b>	:	<b>CIVIL ACTION NO. 1:10-CV-1377</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>DEPARTMENT OF CORRECTIONS,</b>	:	
<b>MARIOSAM LAMAS,</b>	:	
<b>Superintendent, SCI Rockview,</b>	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 30th day of November, 2010, upon consideration of the report of United States Magistrate Judge Martin C. Carlson (Doc. 20), recommending that the motion to dismiss filed by defendants Department of Corrections and Mariosa Lamas (Doc. 14) be granted, and, following an independent review of the record and noting that plaintiff Michael Evans filed objections<sup>1</sup> to the report on October 28, 2010 (Doc. 25), and the court finding Judge Carlson's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Carlson's report, it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The report and recommendation of the magistrate judge (Doc. 20) is ADOPTED.
2. The motion to dismiss filed by Defendants Department of Corrections and Mariosa Lamas is hereby GRANTED. Leave to amend is DENIED as futile.
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge